

TOWN OF CLARKSVILLE

2000 Broadway
Clarksville, Indiana 47129
(812) 288-7155

March 1, 2017

City of Jeffersonville Sanitary Sewer Board
Attn: Mr. Lenonard W. Ashack, Utility Director
Jeffersonville North Wastewater Plant
423 Lewman Way
Jeffersonville, IN 47130

Copy by Email to lashack@CityofJeff.net

Indiana Department of Environmental Management
Central Office
Indiana Government Center North
Indianapolis, IN 46204

Copy by Email to idemfileroom@idem.in.gov

Regional Freedom of Information Officer
US EPA Region 5
Ralph Metcalf Federal Building
77 West Jackson Boulevard (MI-9J)
Chicago, IL 60604-3590

Copy by Email to Branigan.terence@Epa.gov

Re: Public Records/FOIA request regarding NPDES Permit No. IN0023302 (City of Jeffersonville
Downtown Wastewater Treatment Plant) and Jeffersonville federal CSO Consent Decree

Dear Madam or Sir:

The Town of Clarksville adjoins the City of Jeffersonville, and is adversely affected by overflows from CSO No. 18 maintained by the City of Jeffersonville under its above-referenced NPDES Permit. Pursuant to the Indiana Access to Public Records Act (Ind. Code §§ 5-14-3, *et seq.*) and the Freedom of Information Act (5 U.S.C. §§ 552, *et seq.*), on behalf of the Town of Clarksville, I would like to obtain a copy of all public records that are responsive to the following requests:

1. All reports regarding Combined Sewer Overflows (each a "CSO") from the City of Jeffersonville's sanitary sewer collection system occurring from January 1, 2011, to present, including without limitation, CSOs at the Tenth Street Pump Station and/or CSO No. 18. This request includes all documents identifying the dates, locations, and estimated volume of any CSO, including any sampling that was performed to show the pollutant loadings of each CSO, and includes, but is not limited to, CSO Monthly Reports of Operations (MRO) and bypass/incident reports. This request also includes any correspondence with the City relating in any way to these CSOs.

2. All written notices of CSO events published or posted by the City of Jeffersonville since January 1, 2011, including any documents that identify the newspaper(s) and dates of publication and/or the location(s) and/or dates of any postings.
3. All CSO reports (filed monthly or otherwise) by the City of Jeffersonville with the Indiana Department of Environmental Management as required by its CSO Consent Decree and/or NPDES Permit since the CSO Consent Decree initially became legally binding and effective.
4. A complete copy of all documents by which the City of Jeffersonville has requested to reopen or otherwise modify its CSO Consent Decree or the schedules set forth therein, including all documentation or attachments submitted in support thereof.
5. A complete copy of the City of Jeffersonville's most recent Sewer Board Financial Capability Assessment/Analysis.
6. The City of Jeffersonville's Long Term Control Plan (the "LTCP") as initially adopted and/or approved by IDEM and U.S. EPA in accordance with the provisions of the CSO Consent Decree.
7. All amendments to the LTCP that have been submitted by the City of Jeffersonville and granted final approval.
8. All amendments to the LTCP that have been submitted by the City of Jeffersonville, but which have either been denied or are presently pending approval.
9. All correspondence between or among the City of Jeffersonville, the Indiana Department of Environmental Management, and/or or the United States Environmental Protection Agency regarding the City of Jeffersonville's requested reopening or modification of the CSO Consent Decree or amendment to the LTCP, including any schedules set forth therein.
10. The 2016 financial report for the City of Jeffersonville's municipal sewer utility, including all revenues, expenditures, and fund balances.
11. The ordinance establishing the schedule of rates and charges for the City of Jeffersonville's sanitary sewer users that is presently in effect.
12. All documents relating in whole or in part to the City of Jeffersonville's compliance status with the above-referenced NPDES permit and the above-referenced CSO Consent Decree.

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13. All documents comprising or discussing any draft or final design plans or conceptual drawings pertaining to the City of Jeffersonville's CSO No. 18.

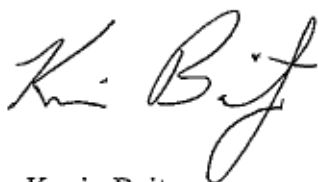
The Town of Clarksville agrees to pay all copying charges incurred in the production of the above-requested records. According to Ind. Code §§ 5-14-3, *et seq.*, the City and IDEM each have seven (7) days in which to acknowledge receipt of this request by written response. According to 5 U.S.C. §§ 552, *et seq.*, U.S. EPA has ten (10) days to acknowledge receipt of this request by written response. Because of the urgency of the Town of Clarksville's current situation, it is respectfully requested that production of documents that are responsive to the above requests be expedited and completed by March 10, 2017 (or as much thereof as can be completed by such date with the remainder to follow).

If you choose to deny the request, you are required to respond in writing and state the statutory exception authorizing the withholding of all or part of the requested public records and the name and title or position of the person responsible for the denial.

Please send the records to Brittany Montgomery at bamontgomery@townofclarksville.com or at 2000 Broadway, Clarksville, IN 47129.

Your assistance in honoring this request is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Baity". The signature is fluid and cursive, with the first name "K." and last name "Baity" clearly distinguishable.

Kevin Baity
Clarksville Town Manager

Cc: Mr. Les Merkley (by Email to lmerkley@cityofjeff.net)
Mr. Michael Gillenwater (by email to Michael@gillenwater.us)
Mr. Larry O. Wilder (by email to larrywilder@me.com)